

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA :

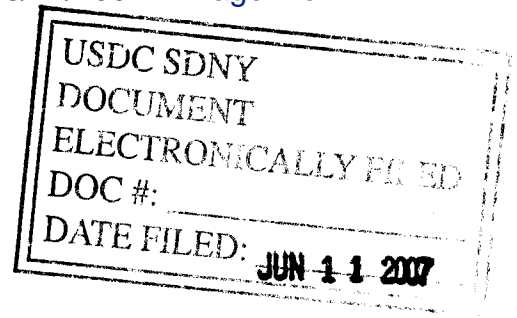
- v. - :

LOUIS GIUFFRE, :

Defendant. :

INFORMATION

07 CRIM 523



COUNT ONE

Interstate Transportation of Stolen Property

The United States Attorney charges:

Background

1. At all times relevant to this Information, Netsoft USA, Inc. ("Netsoft") was a company located in New York, New York, that provided consulting services in the area of IT application development, infrastructure development and e-commerce and knowledge management for companies using Microsoft computer systems. Among other services, Netsoft provided business intelligence consulting services, which services, among other things, assisted Netsoft clients in developing improvements to their database management systems.

2. At all times relevant to this Information, Incremax Technologies Corporation ("Incremax") was a company located in New York, New York that, like Netsoft, provided consulting services in the area of IT application development for companies using Microsoft computer systems. At various times relevant to this Information, Incremax and Netsoft competed for business among the same clients.

3. In or about August, 2005, LOUIS GIUFFRE, the defendant, was hired by

JUDGE KOELTL

Netsoft as a Senior Sales Representative. In that capacity, GIUFFRE was responsible for, among other things, obtaining new clients for Netsoft and selling additional Netsoft consulting services to existing clients.

4. As a Senior Sales Representative, LOUIS GIUFFRE, the defendant, had access to proprietary and confidential business information belonging to Netsoft, including information stored on Netsoft's computer databases located in New York, New York.

5. At or about the time of his hiring, LOUIS GIUFFRE, the defendant, executed an employment agreement (the "Employment Agreement") with Netsoft. Pursuant to the Employment Agreement, during the time of his employment (and for one year thereafter), GIUFFRE was obligated to refrain from, among other things, (i) disclosing confidential Netsoft business information to unauthorized persons or entities, and/or (ii) competing with Netsoft in any business substantially similar to Netsoft's.

6. In or about June, 2006, LOUIS GIUFFRE, the defendant, commenced negotiations with Incremax officials to commence employment with Incremax as a sales representative.

7. On or about June 25, 2006, using his personal e-mail account at Yahoo! Inc. ("Yahoo"), LOUIS GIUFFRE, the defendant, sent an Incremax official various e-mails containing proprietary and confidential business information belonging to Netsoft, including information relating to Netsoft's business intelligence service offerings. In addition, on or about July 13, 2006, GIUFFRE caused a laptop computer owned by Netsoft which had been given to GIUFFRE in connection with the performance of his job responsibilities (the "Laptop") to be brought to the offices of Incremax so that data on the Laptop could be copied and given to

Incremax.

Statutory Count

8. On or about June 25, 2006, in the Southern District of New York and elsewhere, LOUIS GIUFFRE, the defendant, unlawfully, knowingly and wilfully did transport, transmit, and transfer in interstate and foreign commerce goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted, and taken by fraud, to wit, while in the Southern District of New York, using his personal Yahoo! Inc. e-mail account, GIUFFRE transmitted to another individual confidential and proprietary business documents belonging to Netsoft USA Inc.

(Title 18, United States Code, Sections 2314 and 2.)


MICHAEL J. GARCIA *MAA*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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07 Cr.

(18 U.S.C. § 2314)

MICHAEL J. GARCIA
United States Attorney.

6/11/2007 FILED WAIVER OF INDICTMENT AND INFORMATION. DEFF ARRAIGNED
ON INFORMATION, DEFF PICS W/ATTY ELLEN BARR. AVSA
NICHOLAS GOLDIN, REPORTER SAM MAURO. DEFF ENTERS
PLEA OF GUILTY TO INFORMATION. SENTENCE DATE
9/14/2007 AT 10:00AM, PSI ORDERED, BAIL CONT'D.

- JUDGE ROBERT